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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/818,158	03/14/1997	GREGORY P. ANDREWS	RO996-141	9157

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WOOD, HERRON & EVANS, L.L.P. (IBM)
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER

VU, THONG H

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 08/26/2004

27

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/818,158

Applicant(s)

ANDREWS ET AL.

Examiner

Thong H Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Claims 38-73 are pending.

Response to Arguments

2. In view of the Appeal Brief filed on 2/27/02, PROSECUTION IS HEREBY REOPENED. The new Final Rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Applicant's arguments, see Appeal Brief, filed 2/27/02, with respect to the rejection(s) of claim(s) 38-73 under Martino-Heath have been fully considered and are persuasive. Therefore, the Final rejection has been withdrawn. However, upon further consideration, a new ground(s) of Final rejection is made in view of Bobo II.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 38-47,50-57,60-70,73 and 74 are rejected under 35 U.S.C. § 102(e) as being anticipated by Bobo II [Bobo 5,675,507].

4. As per claim 38, Bobo discloses an apparatus comprising:

at least one processor; a memory coupled to the at least one processor [Bobo, a computer 28,32 with process and memory, col 6 lines 33-43, Fig 1]; and

a computer program residing in the memory (i.e.: browser), said computer program commencing to download a file referencing a plurality of components (i.e.: a list of message), said computer program dynamically prompting a user to select which of said plurality of components to download [Bobo, Web browser, col 7 lines 25-37; user selects a message from a list and download, col 8 line 53-col 9 line 9; prompt a message, col 14 lines 1-15].

5. As per claim 39, Bobo discloses said computer program comprises a web browser application.

6. As per claim 40, Bobo discloses said file comprises a hypertext markup language (HTML) document [Bobo, HTML, col 7 lines 1-12].

7. As per claim 41, Bobo discloses said computer program includes a component download selection mechanism (i.e.: display a list for user select and download), said component download selection mechanism dynamically creating a component download selection list when said file with said plurality of components is downloaded [Bobo, generate the HTML file for newly received message according to the user's preferences, user preview an image of message before downloaded form MSDS, col 8 line 40-col 9 line 9].

8. As per claim 42, Bobo discloses a web browser and wherein said component download selection list is formed in a second pane of said web browser and displayed with said file [Bobo, Web browser, col 7 lines 25-37].

9. As per claim 43, Bobo discloses said component download selection list is formed in a dialog box [Bobo, prompt for the password, col 14 lines 31-40].

10. As per claim 44, Bobo discloses the component download list is inserted (i.e.: embedded) into said file and displayed to a user with said file [Bobo, embedded, col 10 lines 46-65].

11. As per claim 45, Bobo discloses said component download selection list contains the file name for each of said plurality of components [Bobo, filename, col 11 lines 32-55].

12. As per claim 46, Bobo discloses said component download selection list contains the type for each said plurality of components [Bobo, types of messages, col 8 lines 21-30].

13. As per claim 47, Bobo discloses said component download selection list contains the size of each said plurality of components [Bob, reduce size, full size, col 9 lines 17-30;58-65].

14. Claims 50,73,74 contain the similar limitations set forth of apparatus claim 38. Therefore, claims 50,73 are rejected for the similar rationale set forth in claim 38.

15. Claims 51-57 contain the similar limitations set forth of apparatus claims 40-47. Therefore, claims 51-57 are rejected for the similar rationale set forth in claims 40-47.

16. As per claim 61, Bobo discloses a program product comprising:

(A) a computer program, said computer program commencing to download a tile referencing a plurality of components, said computer program dynamically prompting a user to select which of said plurality of components to download [Bobo, Web browser, col 7 lines 25-37; user selects a message from a list and download, col 8 line 53-col 9 line 9; prompt a message, col 14 lines 1-15]; and

(B) signal bearing media bearing said download selection mechanism.

17. As per claim 63, Bobo discloses the signal bearing media comprises recordable media [Bobo, recoding and re-recording, col 14 lines 1-15].

18. As per claim 64, Bobo discloses the signal bearing media comprises transmission media [Bobo, transmitted over telephone line, col 7 lines 1-12; transmitted through the Internet, col 9 lines 1-9].

19. Claims 62,65-70 contain the similar limitations set forth of apparatus claims 39-41,43-47. Therefore, claims 62,65-70 are rejected for the similar rationale set forth in claims 39-41,43-47.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 48-49,58-59,71-72 are rejected under 35 U.S.C. § 103 as being unpatentable over Bobo II [Bobo 5,675,507] in view of Klug et al [Klug, 5,996,007].

21. As per claim 48, Bobo discloses said component download selection list [Bobo, Web browser, col 7 lines 25-37; user selects a message from a list and download, col 8 line 53-col 9 line 9]. However Bobo does not detail the list includes a **status item**, said

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status item dynamically displaying the amount of each of said plurality of components that has been downloaded.

It was well-known in the art that the status of downloaded component was displayed to provide the user a current status of download processing. A skilled artisan would have motivation to improve the download process of Bobo's apparatus and found the Klug teaching in the prior art. Klug discloses a method for providing selected content during waiting time of an Internet session including indicating the status or percentage of the file size being downloaded [Klug, percentage being downloaded, col 6 lines 5-20]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the status information of the component or item as taught by Klug into the Bobo's apparatus in order to utilize the option menu. Doing so would provide the user more information to make a decision over the selection from the list.

22. As per claim 49, Bobo-Klug disclose said status item includes the percentage of a component downloaded [Klug, percentage being downloaded, col 6 lines 5-20].

23. Claims 58-59,71-72 contain the similar limitations set forth of apparatus claims 48-49. Therefore, claims 58-59,71-72 are rejected for the similar rationale set forth in claims 48-49.

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24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643.

The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (703) 305-9705.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Thong Vu
Patent Examiner
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